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June 10, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: MM Docket No. 93-177
AM Directional Antenna Rulemaking

Dear Ms. Salas:

Transmitted herewith, on behalf of CBS Corporation, is a letter urging the Commission to act upon the above-referenced Notice of Inquiry which has been pending since 1993 seeking to modify and eliminate certain rules governing the operation of AM directional stations.

Should any questions arise regarding this letter, please contact Stephen A. Hildebrandt, General Counsel of CBS Radio, at 202-457-4515 or this office.

Very truly yours,

Nancy L. Wolf

Nancy L. Wolf

NLW:sak
Enclosure

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JUN 10 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

STEPHEN A. HILDEBRANDT
VICE PRESIDENT AND GENERAL COUNSEL

June 10, 1998

BY HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket 93-177: Notice of Inquiry into the
Commission's Policies and Rules Regarding AM
Radio Service Directional Antenna Performance
Verification

Dear Ms. Salas:

On behalf of CBS Corporation ("CBS Radio"), and pursuant to the referenced MM Docket No. 93-177, we respectfully request that the Commission act upon the above-referenced Notice of Inquiry ("NOI"), which has been pending since 1993. The NOI responds to a petition for rulemaking filed in 1989 seeking to modify and eliminate the outdated and unnecessary rules governing the operation of AM directional broadcast stations. These rules represent a significant and costly burden to AM licensees, particularly as they seek to modify or upgrade their facilities to provide better service to the public. CBS Radio urges the Commission to initiate a notice of proposed rulemaking based on the record developed in the NOI looking toward revision of these AM rules.¹

¹ CBS Radio, through its affiliates, operates 53 directional AM radio stations. As such, CBS Radio will be significantly impacted by any proposed changes in the AM directional rules.

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Many of the current rules and policies governing AM directional antenna systems were adopted in 1939 as part of the Commission's Standards of Good Engineering Practice and are antiquated and outmoded. While these rules have been amended several times since their adoption, there has never been a comprehensive review of the regulatory framework, and the current AM directional antenna performance verification requirements are largely outdated, unduly burdensome, and needlessly costly. For example, field measurements currently required under the rules, costing upwards of \$30,000 to \$40,000 per "proof of performance", could be required less frequently, and perhaps eliminated, if the rules were modified as suggested by the NOI to allow modern, lower-cost alternative methods for verification of operation within licensed parameters, such as computer modeling. The Commission's current rules preclude AM licensees from employing innovative new technologies for performance verification, and from realizing cost savings that would accrue from employing such techniques.

In 1989, in an effort to enable broadcasters to benefit from new technology for verifying AM directional antenna performance, several engineering consulting firms jointly submitted a petition to the Commission requesting an inquiry into the issue. In response to that petition, on June 14, 1993, the Commission issued the NOI, requesting comments regarding amendments to and/or the deletion of the rules pertaining to AM directional antenna arrays. The goal of the NOI was to promulgate new rules that would eliminate redundant, outdated, and unnecessary AM directional regulations, particularly those that impose significant burdens on licensees, while continuing to ensure that array evaluations are done thoroughly and accurately, and in compliance with relevant performance criteria. The NOI emphasized the possible adoption of alternative regulatory approaches, made possible by advances in antenna analysis methods and instrumentation technology, including computer-aided numerical modeling of antenna performance verification. The comment period for the NOI closed on March 1, 1994, but since that time, the FCC has taken no action in the proceeding.

On January 20, 1998, in an effort to breathe life into the proceeding, the National Association of Broadcasters ("NAB") sent a letter to FCC Mass Media Bureau Chief Roy J. Stewart, and FCC Deputy General Counsel David H. Solomon, urging that the Commission grant AM broadcasters relief from burdensome and costly compliance requirements by promulgating rules that would allow the use of computer modeling techniques in lieu of current AM directional proof-of-performance measurements. The NAB reemphasized

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that modern computers allow the patterns of AM directional antennas to be modeled with great accuracy, and that the actual performance of these antenna arrays can be confirmed as being compliant with the modeled performance with far fewer of the very costly field measurements than are now required.

CBS Radio hereby expresses its support for the NAB's position. CBS Radio encourages the FCC expeditiously to adopt new rules which will permit licensees to use currently available, modern, accurate, and relatively inexpensive technology for performance verification. As an operator of numerous AM directional stations, CBS Radio is sensitive to the issue of potential interference to its operations, and thus CBS Radio would not support changes to the Commission's regulations that would pose the prospect of increased interference to its stations. However, CBS Radio agrees with the NAB that currently-available alternative performance measurement techniques are reliable and accurate, and that their adoption would not result in erosion of interference protection now afforded to AM broadcast stations. CBS Radio estimates that the adoption of alternative performance verification measures will result in a savings of well over \$300,000 annually to CBS Radio alone, without sacrificing the reliability of performance verification.

Under Section 11 of the Telecommunications Act of 1996 [47 USC 161], the Commission is conducting a biennial review of all regulations that apply to providers of telecommunications service. The underlying purpose of the biennial review is to eliminate unnecessary and burdensome regulations, and to support technological innovation. In the spirit of Section 11, and pursuant to the pending NOI, the Commission should now extend its review of its regulations to repeal and amend the outdated rules relating to AM directional antenna performance verification, and to allow for the implementation of modern techniques for such verification.

A revision of the AM directional regulations is in the public interest because AM licensees will be encouraged to develop new methods for verifying performance compliance and increase their already substantial investments in the development of the AM broadcast industry. Modern computers make possible the accurate modeling of AM directional antenna patterns, and the adoption of rules allowing the use of such technology would greatly reduce the number of field measurements which are required, thereby greatly reducing the costs of compliance without any resulting sacrifice in the accuracy of AM directional antenna performance verification. We therefore urge the Commission to begin a rule making regarding

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this issue, so that an updated record can be developed, and an ultimate decision reached about the use of computer modeling and other techniques in lieu of the present means of conducting AM directional proofs of performance.

If you have any questions or comments regarding this matter, or if we can provide any additional material that would be helpful to the Commission, please feel free to contact the undersigned.

Very truly yours,



Stephen A. Hildebrandt
General Counsel, CBS Radio

cc: Roy J. Stewart, Esquire
Mr. Keith Larson
Ms. Linda Blair
Mr. Peter Doyle
Mr. Son K. Nguyen